



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

URGENT MATTER - EARLY WARNING NOTICE
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

JAN 14 2015

Tita LaGrimas, Executive Vice-President, Regulatory Affairs
Tradebe Environmental Services, LLC
1433 E 83rd Avenue, Suite 200
Merrillville, IN 46410

RE: **NOTICE OF POTENTIAL VIOLATION** of the applicable Generators Standards of Hazardous Waste, Section 3002 of the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. §§ 6622(a) and CT - State of Connecticut's Hazardous Waste Management Regulations 22a-449(c)-100 through 119 and 22a-449(c)-11.

Dear Ms. LaGrimas:

On March 30 –April 3, 2015, representatives of the United States Environmental Protection Agency ("EPA") conducted a RCRA Compliance Evaluation Inspection of your facility located in Meriden, CT. The purpose of this inspection was, in part, to determine the compliance of Tradebe Environmental Services ("Tradebe"), EPA ID # CTD021816889, with the relevant hazardous waste management regulations for the State of Connecticut and the corresponding federal Hazardous Waste Management Regulations found at 40 C.F.R. Parts 260-272.

As a follow up to the exit interview provided by EPA at the conclusion of the physical inspection of your facility, a partial written list of deficiencies is provided below to summarize the potential violations/areas of concern identified. Additional potential violations or areas of concern determined subsequent to EPA's inspection may also be included in the list below. You are requested to take immediate action on your part to evaluate this listing below and take corrective measures where necessary.

Potential Violations/Areas of Concern:

1. Failure to make adequate hazardous waste determinations;
2. Failure to comply with standards for storage of hazardous waste in tanks;
3. Failure to comply with Subpart AA air emission standards for process vents;
4. Failure to comply with Subpart BB air emission standards for hazardous waste equipment leaks;
5. Failure to comply with Subpart CC air emission standards for hazardous waste tanks;

6. Failure to design, construct, maintain and operate the facility to minimize the possibility of a fire, explosion, or any other unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, surface water which could threaten human health or the environment;
7. Storage of hazardous wastes in unpermitted locations;
8. Failure to have adequate secondary containment;
9. Failure to maintain adequate site security;
10. Failure to maintain adequate aisle space for hazardous waste containers;
11. Failure to appropriately label tanks of hazardous waste;
12. Failure to appropriately label containers of hazardous waste;
13. Failure to keep containers of hazardous waste closed;
14. Failure to notify of hazardous waste operations;
15. Failure to maintain an adequate Contingency Plan;
16. Failure to maintain an adequate hazardous waste training program; and
17. Failure to conduct and maintain adequate records of all hazardous waste tank inspections.

This letter is EPA's initial response to potential hazardous waste violations and areas of concern that were observed during our March 30 –April 3, 2015 inspection of your facility. The primary purpose of this letter is to identify potential problem areas and seek compliance. This Notice does not limit or otherwise preclude EPA from taking civil or criminal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928 with regard to these or other violations that may be determined. EPA is continuing to investigate and evaluate Tradebe's compliance under RCRA; we are also currently evaluating Tradebe's compliance status under other statutes and may take an enforcement action as appropriate.

I urge you to take immediate positive steps to remedy the above-cited potential violations/areas of concern. If you have any questions regarding this letter or how to comply with RCRA requirements, please contact Richard Piligian of my staff at (617) 918-1757.

Sincerely,



Mary Jane O'Donnell, Manager
RCRA, EPCRA and Federal Programs Unit



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REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE**

JAN 14 2015

Tita LaGrimas, Executive Vice-President, Regulatory Affairs
Tradebe Environmental Services, LLC
1433 E 83rd Avenue, Suite 200
Merrillville, IN 46410

Dear Ms. LaGrimas:

The U.S. Environmental Protection Agency ("EPA") is investigating operations at Tradebe Environmental Services, LLC in Bridgeport and Meriden, CT under the Resource Conservation and Recovery Act ("RCRA") as well as the Clean Air Act ("CAA").

Enclosed is a Notice of Potential Violation under RCRA regarding Tradebe in Meriden as well as a Notice of Violation under the CAA regarding Tradebe in Bridgeport and Meriden.

In addition, the Connecticut Department of Energy and Environmental Protection (CT DEEP) has provided EPA with a copy of the November 25, 2015 Notice of Violation issued by the CT DEEP Waste Engineering and Enforcement Division to Tradebe's Bridgeport facility. CT DEEP has requested that EPA address this Notice directly with Tradebe.

We would like to meet with you to discuss these matters. Please have your legal counsel contact Steven J. Viggiani, Senior Enforcement Counsel, at (617) 918-1729 or at viggiani.steven@epa.gov to set up a face-to-face meeting.

Sincerely,

Susan Studlien

Susan Studlien
Director, Office of Environmental Stewardship

cc: Bob Girard, CT DEEP
Joseph Schiavone, CT DEEP
Robert Isner, CT DEEP

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 – NEW ENGLAND**

IN THE MATTER OF)
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Tradebe Environmental Services, LLC)
1433 E 83rd Avenue, Suite 200)
Merrillville, IN 46410)
)

Proceeding under Section)
113 of the Clean Air Act)
_____)

**CLEAN AIR ACT
NOTICE OF VIOLATION**

INTRODUCTION

1. The United States Environmental Protection Agency (“EPA”), Region I issues this Notice of Violation (“NOV”) to Tradebe Environmental Services, LLC (“Tradebe”) regarding its operation of waste treatment, storage and disposal facilities located in Bridgeport and Meriden, Connecticut.
2. This NOV contains EPA’s findings that Tradebe has violated and continues to violate the Clean Air Act (“CAA”) and its implementing regulations.

STATUTORY AUTHORITY

3. Section 112 of the CAA, 42 U.S.C. § 7412, requires EPA to establish emission standards for categories of sources of listed hazardous air pollutants (“HAPs”). These standards are known as National Emission Standards for Hazardous Air Pollutants (“NESHAPs”).
4. Pursuant to Section 112 of the CAA, EPA has promulgated a NESHAP for Offsite Waste and Recovery Operations at 40 C.F.R. Part 63, Subpart DD (“Subpart DD”).

5. Section 503(c) of the CAA, 42 U.S.C. § 7661b(c), requires major sources to apply for a CAA Title V operating permit. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), prohibits major sources from operating except in compliance with a permit issued by a Title V permitting authority.

BACKGROUND AND FACTUAL BASIS

6. The Bridgeport facility, located at 50 Cross Street in Bridgeport, Connecticut, has been owned and operated by Tradebe since April 2011.

7. The Bridgeport facility receives, stores, treats and disposes of various hazardous and non-hazardous wastes.

8. The Bridgeport facility operates under a hazardous waste treatment, storage, and disposal facility ("TSDF") permit issued by the Connecticut Department of Energy and Environment ("CT DEEP") pursuant to state hazardous waste and federal Resource Conservation and Recovery Act ("RCRA") regulations. The TSDF permit was issued on September 28, 2011 and expires on September 28, 2016.

9. On September 2, 2015, EPA Region 1 conducted a CAA inspection at the Bridgeport facility.

10. The Meriden facility, located at 136 Gracey Avenue in Meriden, Connecticut, has also been owned and operated by Tradebe since April 2011.

11. The Meriden facility currently operates under a TSDF permit that was issued on September 18, 2012 by CT DEEP. This permit expires on September 18, 2017.

12. On June 3, 2015, EPA Region 1 conducted a CAA inspection at the Meriden facility.

LEGAL FINDINGS AND NOTICE OF VIOLATION

13. Subpart DD applies to the owner and operator of any facility that (a) is a major source of HAP, and (b) includes a waste management operation that receives "off-site material" and that is regulated as a TSDF under RCRA regulations at 40 C.F.R. Part 264 or Part 265. See 40 C.F.R. §§ 63.680(a)(1) and

(a)(2)(i). "Off-site material" includes wastes, used oil or used solvents that are delivered or transferred to the facility (not produced there), and that contain one or more of the HAPs listed in Subpart DD's Table 1. See 40 C.F.R. §§ 63.680(b)(1)(i) - (iii).

14. The Bridgeport and Meriden facilities are both "major sources" of HAPs as that term is defined in Section 112(a)(1) of the CAA, 42 U.S.C. § 7412(a)(1).

15. The Bridgeport and Meriden facilities' waste management operations receive off-site materials – wastes, and used oils– that contain one or more HAPs listed in Table 1 of Subpart DD. These HAPs may include, but are not limited to, ethyl benzene, toluene, and xylenes.

16. The Bridgeport and Meriden facilities are both regulated as TSDFs with TSDF permits issued pursuant to RCRA Part 264 and state hazardous waste regulations.

17. Therefore, the Bridgeport and Meriden facilities are both subject to Subpart DD.

Violations of 40 C.F.R. Part 63, Subpart DD

18. To date, Tradebe is not operating in compliance with Subpart DD at the Bridgeport and Meriden facilities. Accordingly, Tradebe has violated and continues to violate the requirements of Subpart DD, including but not limited to the general standards set out in 40 C.F.R. § 63.683.

Violations of CAA Title V Requirements

19. To date, the Tradebe has not applied for or obtained a Title V permit for the Bridgeport and Meriden facilities, and is operating the facilities without such permits. Accordingly, Tradebe has violated and continues to violate Sections 502(a) and 503(c) of the CAA.

ENFORCEMENT

20. At any time, EPA may take any or all of the following actions regarding Tradebe's violations of Subpart DD and the CAA: (a) issue an order requiring compliance with the CAA; (b) issue an

administrative penalty order; or (c) bring a civil action in federal district court for an injunction and/or monetary penalties up to \$37,500 per day for each violation. See Sections 113(a), (b) and (d) of the CAA, 42 U.S.C. §§ 7413(a), (b) and (d), and 40 C.F.R. Part 19 (CAA judicial and administrative penalties raised to \$37,500 for violations after January 12, 2009).

21. If Tradebe has knowingly violated the requirements of the CAA or its implementing regulations, Tradebe and its responsible corporate officers may be subject to criminal penalties under Title 18 of the United States Code, imprisonment for not more than five years, or both. See Section 113(c) of the Act, 42 U.S.C. § 7413(c).

22. The issuance of this NOV does not preclude EPA from pursuing any other remedies or sanctions authorized by law that are available to address these or other violations by Tradebe of the CAA and its implementing regulations.

OPPORTUNITY TO CONFER

23. If Tradebe has any questions regarding this NOV, please have your legal counsel contact Steven J. Viggiani, Senior Enforcement Counsel, at (617) 918-1729 or at viggiani.steven@epa.gov.

Susan Studlien
Susan Studlien, Director
Office of Environmental Stewardship
EPA Region I – New England

01/13/2016
Date